

## REMARKS

Presently, claims 1-8, 11 and 14 stand rejected. Claim 1 is currently amended. Claims 9, 10 and 12-13 are canceled. Claims 1-8, 11 and 14 are presently pending in the application. Favorable consideration of the application in view of the following remarks is earnestly solicited.

### **Rejection Under 35 U.S.C. § 103(a) over Mowrey-McKee et al. in view of Evans:**

In section 3 of the Office Action dated June 10, 2010, the Examiner has rejected claims 1-4, 7-8, 11 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Mowrey-McKee et al. (U.S. Patent 5,817,277) in view of British Patent Specification Publication GB 1,431,841 (hereinafter "Evans"). Reconsideration in light of this amendment and remarks below is earnestly solicited.

First, the instant claims have been amended to recite dexpanthenol. Neither reference alone or in combination teaches or suggests a contact lens solution containing dexpanthenol as claimed. Therefore, it is requested that this rejection be reconsidered and withdrawn.

Second, the instant claims provide surprising results. The inclusion of dexpanthenol in a contact lens solution containing a cationic polymeric preservative surprisingly increase the preservative efficacy of the solution. Applicant kindly directs the examiner's attention to Paragraphs [0028] – [0029] of the application. As shown in Example 2, the solution containing both the preservative enhancer dexpanthenol and the cationic polymeric preservative PHMB has greatly improved preservative efficacy when compared to the solution containing no dexpanthenol. For at least these reasons, it is respectfully requested that this rejection be reconsidered and withdrawn.

### **Rejection Under 35 U.S.C. § 103(a) over Mowrey-McKee et al. in view of Evans and further in view of De Bruiju et al.:**

In section 4 of the Office Action dated June 10, 2010, the Examiner has rejected claims 1-8, 11 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Mowrey-McKee et al. as modified by Evans and further in view of De Bruiju et al. (U.S. Patent 6,162,393). For the reasons discussed above, and given the fact that Mowrey-McKee et al., Evans and De Bruiju et al. do not teach all of the claimed

limitations, it is respectfully requested that this rejection be reconsidered and withdrawn.

**Double Patenting:**

In section 5 of the Office Action dated June 10, 2010, the Examiner has provisionally rejected claim 10 under 35 U.S.C. § 101 as claiming the same invention as that of claim 11 of copending Application No. 11/620,318. In section 6 of the Office Action dated June 10, 2010, the Examiner has further provisionally rejected claims 1-8, 11 and 14 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 11/620,318. As these are provisional rejections, Applicant will consider cancelling claims or filing a terminal disclaimer upon the indication of allowable claims in this or at least one of the above listed applications.

**Conclusion:**

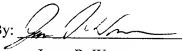
It is believed that the foregoing is a complete response and that the claims are in condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case.

Applicant appreciates the opportunity to call the Examiner but believes that this amendment to the claims and the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned attorney if he has any matters to address that will facilitate allowance of the application.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,

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